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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,028	06/30/2000	Kartik Raghavan	MS1-498US	9044
22801 7590 04/12/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER COLIN, CARL G	
			ART UNIT 2136	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			NOTIFICATION DATE	
3 MONTHS			04/12/2007	
			DELIVERY MODE	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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lhptoms@leehayes.com

Office Action Summary	Application No. 09/608,028	Applicant(s) RAGHAVAN ET AL.	
	Examiner Carl Colin	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In response to communications filed on 1/12/2007, applicant amends claims 1 and 21. The following claims 1-36 are presented for examination.

1.1 Applicant's arguments, see pages 13-15, filed on 1/12/2007, with respect to the 112th rejection of claims 1, 2, 13, 17, 21, 27, and 32 have been fully considered and are persuasive. The 112th rejection of claims 1, 2, 13, 17, 21, 27, and 32 has been withdrawn.

Applicant's arguments filed on 1/12/2007 have been fully considered but they are not persuasive. Applicant argues that Cheng is client-based and Cheng does not disclose a configuration at the server for performing the steps claim 1 as amended. Examiner respectfully disagrees because claim 1 has been amended to recite similar features as found in claim 13. Claim 13 recites a configuration agent at a server for performing the steps of receiving, generating an assessment, identifying by comparing the assessment and automatically configuring resources of the computing system to include the identified resources; and claim 13 has been properly rejected in the last Office action. Applicant has not provided reasons why the citations provided by Examiner in the rejection of claim 13 are improper. On the other hand, Applicant generally alleges that claim 13 is allowable for reasons described with respect to claim 1 as amended. Applicant argues that Cheng discloses software updates for installed products. Examiner respectfully disagrees because Cheng discloses in addition to installing updates, installing new software products (see column 19, lines 60-63). Examiner would like to clarify

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that as reasonably and broadly interpreted by Examiner, software updates must be installed in the computer in order to work, the software updates disclosed by Cheng are not pre-installed, (see column 8, lines 55-61); therefore, the software updates meet the recitation of resources not installed in the computing system and also meet the recitation of resources missing in the computing system. Applicant further argues on page 17 that Cheng limits itself to analysis performed by a client application. Examiner respectfully disagrees because the citation provided by Applicant clearly states that determination of client application is made in consultation with the service provider, which maintains a list of available software updates. In addition, column 5, lines 27-29 recites "as new software updates and software products become available the service provider determines which one match a particular user's interests and notifies the user of such updates or products by email". Column 27, lines 4-26 further recites,

"maintaining on a service provider computer a database, the database containing information relating to software products of diverse software vendors;

maintaining on the service provider computer a downloadable application, the application having a function for scanning the client computer to determine which installed software products reside on the client computer;

establishing a communication link between client computer and the service provider computer;

downloading the application to the client computer over the communication link;

scanning the client computer with the application; as a result of the scan, generating a first list of software products residing on the client computer;

comparing the first list with the information in the database to generate a second list, the second list containing software products that are compatible with the software residing on the client computer;

downloading to the client computer at least one product on the second list; and paying the software vendor compensation relating to the download."

Therefore, applicant's arguments that Cheng teaches away from a service provider performing the analysis is not correct.

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Regarding claims 26-32, applicant adds that Cheng does not disclose a configuration request and a recipient of the request. It is noted that claim 26 does not disclose such limitation, applicant may be referring to claim 27. Cheng discloses column 5, lines 18-24, "software updates or software products may be provided by the service provider to a client computer by e-mail upon request notification by a user." Column 6, line 64 through column 7, line 12 in combination with figure 2 illustrate request to update and response to perform the update. Therefore, Cheng discloses configuration request and response contrarily to Applicant's arguments. Applicant has not overcome the rejection as amended and claims 1-36 remain rejected in view of Cheng et al.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,151,643 to **Cheng et al.**

As per claim 1, **Cheng et al** discloses a method comprising: maintaining, on a server for each of a plurality of computing systems, database including specific data, resources, profile, activity log, payment information, etc. associated with each user computing system that meets the recitation of data specifying which resources are authorized for the computing system (see column 17, lines 1-21 and figure 7); in column 6, lines 44-50 and column 20, lines 33-60 it is disclosed that authentication information is also stored associated with update software and products which meets the recitation of data specifying which resources are authorized for the computing system; column 7, lines 11-39 describes that users must be registered to received authorized resources. **Cheng et al** discloses receiving by a configuration agent (700, figure 7) at the server an identifier (i.e. user ID, password, unique registration-number, e-mail address, or authentication information) associated with a computing system and/or computing system user (column 7, lines 10-40; column 5, lines 18-21; and column 23, lines 41-49); and discloses that the authentication ensures that only users who are authorized can obtain updates for software products (see column 7, lines 40-45). **Cheng et al** discloses a payment module obtaining user information such as fee, usage, count, connection time (data) from the server database that specifies authorized resources (software updates) corresponding to the received user login information (see column 17, lines 2-15 and lines 40-47) that meets the recitation of the configuration agent obtaining from the server data that specifies authorized resources corresponding to the received identifier. **Cheng et al** discloses the configuration agent interrogating the computing system to produce an assessment indicating assessing existing hardware and/or software computing system resources available on the computing system (see column 18, lines 42-58 and figures 17a-d); the configuration agent comparing the authorized

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resources with the assessment to identify one or more resources authorized but not installed on the computing system (see column 14, lines 45-64); and the configuration agent automatically modifying the computing system resources by installing the one or more identified resources (see column 15, lines 16-24 and column 4, lines 12-23 and column 27, lines 24-26).

As per claim 2, **Cheng et al** substantially discloses the claimed method of claim 1. **Cheng et al** discloses a client computer provided to a user with only a number of software update and software products being pre-installed (see column 6, lines 20-30) and also suggests in another embodiment installation of new software not installed that needs to be installed to the computing system (see column 20, lines 52-60 and column 19, lines 60-65) that meets the recitation of the computing system is provided to the user without the authorized resources being preinstalled. As interpreted by Examiner, software updates must be installed in the computer in order to work, the software updates disclosed by Cheng are not pre-installed, (see column 8, lines 55-61); therefore, the software updates meet the recitation of resources not installed in the computing system

As per claim 3, **Cheng et al** discloses wherein the identifier associated with computing system and/or computing system user is received from the computing system (see column 7, lines 5-40).

As per claim 4, **Cheng et al** discloses wherein the identifier associated with computing system and/or computing system user is received from the computing system (see column 7,

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lines 5-40) and/or communications device associated with the computing system user wherein the communications device is not directly connected to the computing system.

As per claims 5 and 8, **Cheng et al** discloses the limitation of automatically modifying the computing system resources based at least in part of assessment of the computing system resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 6, **Cheng et al** discloses the limitation of selectively updating certain computing system resources based, at least in part, on the comparison of the assessed computing system resources against authorized and available computing system resources (see column 28, lines 55-62).

As per claim 7, **Cheng et al** discloses the limitation of assessing communications device resources (see column 27, lines 7-11 and column 7, line 45 through column 8, line 20); comparing the assessed communications device resources against authorized and available communications device resources and selectively installing, configuring, and/or updating one or more communications device resources based, at least in part, on the comparison on the assessed communications resources (see column 28, lines 55-62).

As per claims 9-10, **Cheng et al** discloses the limitation of wherein the identifier is one or more of a telephone number associated with the user an electronic serial number of the communications device associated with the user, an electronic identifier associated with the

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computing system and/or serial number associated with one or more hardware and/or software resources of the computing system (see column 7, lines 5-40).

As per claim 11, **Cheng et al** discloses the claimed method of claim 1 and further discloses that the invention can be implemented in a computer (see claims) that meets the recitation of a storage medium having stored thereon a plurality of executable instructions which when executed implement a method according to claim 1. Claim 11 is therefore rejected on the same rationale as the rejection of claim 1.

As per claim 12, **Cheng et al** discloses a server comprising: a storage device (see column 9, line 55 through column 10, line 12 and figure 9) having stored therein a plurality of executable instructions; and a control unit, coupled to the storage device (see column 9, line 55 through column 10, line 12 and figure 7).

As per claim 13, **Cheng et al** discloses a server comprising: a storage device to maintain a profile of personal resources, specifying for each of a plurality of computing systems which resources are authorized for the computing system (see column 17, lines 1-21 and figure 7); **Cheng et al** discloses the server providing an interface and service (see 700, fig. 7) that meets the recitation of configuration agent coupled to the storage device adapted to receive identifier for registering and identifying users when they are login to the service provider (see column 7, lines 5-39); **Cheng et al** discloses receiving by a configuration agent an identifier (i.e. user ID, password, unique registration number, e-mail address, or authentication information) associated

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with a computing system and/or computing system user (column 7, lines 10-40; column 5, lines 18-21; and column 23, lines 41-49); generate an assessment of the current resources of the computing system (see column 27, lines 7-11 and column 7, line 45 through column 8, line 20); identify by comparing the assessment with the authorized resources one or more of the authorized resources which are missing from the computer system (see column 27, lines 7-23 and column 7, line 45 through column 8, line 20); automatically configure resources of the computing system to include the identified resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 14, **Cheng et al** discloses the limitation of wherein an assessment of the computing system resources comprises an assessment of at least one of an operating system, configuration settings, personalization settings, Internet settings or application settings on the computing system (see column 11, lines 1-54).

As per claim 15, **Cheng et al** discloses the limitation of wherein the profile includes a list of identifiers associated with authorized users and the configuration agent accesses a user profile on the storage device based, at least in part, on the identifier (see column 7, lines 5-39 and figure 7).

As per claim 16, **Cheng et al** discloses the limitation of wherein the configuration agent receives the identifier from the computing system and/or a communications device remote

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from the computing system associated with the computing system user (see column 7, lines 5-39).

As per claim 17, **Cheng et al** discloses the limitation of wherein the configuration agent further automatically modifies communications device resources based at least in part of assessment of the computing system resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 18, **Cheng et al** discloses the limitation of wherein the configuration agent is further configured to update the computing system resources (see column 28, lines 55-62).

As per claim 19, **Cheng et al** discloses the limitation of wherein the identifier is one or more of a telephone number associated with the user an electronic serial number of the communications device associated with the user, an electronic identifier associated with the computing system and/or serial number associated with one or more hardware and/or software resources of the computing system (see column 7, lines 5-40).

As per claim 20, **Cheng et al** discloses a server comprising: a storage device (see column 9, line 55 through column 10, line 12 and figure 9) having stored therein a plurality of executable instructions; and a control unit, coupled to the storage device to execute at least a subset of the plurality of executable instructions to implement an instance of the configuration agent (see column 9, line 55 through column 10, line 12 and figure 7).

As per claim 21, **Cheng et al** discloses a storage medium comprising a plurality of executable instructions including at least a subset of which that when executed implement a configuration agent at a server to maintain for each of a plurality of computing systems data specifying authorized resources for the computing system (see column 17, lines 1-21 and figure 7); in column 6, lines 44-50 and column 20, lines 33-60 it is disclosed that authentication information is also stored associated with update software and products which meets the recitation of data specifying which resources are authorized for the computing system; column 7, lines 11-39 describes that users must be registered to received authorized resources. **Cheng et al** discloses receiving by a configuration agent (700, figure 7) at the server an identifier (i.e. user ID, password, unique registration number, e-mail address, or authentication information) associated with a computing system and/or computing system user (column 7, lines 10-40; column 5, lines 18-21; and column 23, lines 41-49); and discloses that the authentication ensures that only users who are authorized can obtain updates for software products (see column 7, lines 40-45); **Cheng et al** discloses conduct an assessment of the computing system resources upon receipt of an identifier associated with a computing system and/or computing system user (see column 14, line 45 through column 15, line 23 and column 27, lines 7-18 and figures 17a-d) identifiers are also received when the user connects to the service provider by login (see column 16, lines 20-47) identify by comparing the assessment with corresponding data specifying authorized resources, one or more of the authorized resources which are missing from the computer system (see column 14, lines 45-64 and column 27, lines 7-23); and automatically

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download and install on the computing system the missing authorized resources (see column 15, lines 16-24 and column 4, lines 12-23 and column 27, lines 24-26).

As per claim 22, **Cheng et al** discloses the limitation of wherein the configuration agent is further configured to update computing system resources (see column 28, lines 55-62).

As per claim 23, **Cheng et al** discloses the limitation of wherein the configuration agent interrogates the computing system upon receipt of an identifier to assess computing system resources (see column 7, line 45 through column 8, line 20).

As per claim 24, **Cheng et al** discloses the limitation of wherein the configuration agent discloses modifying computing system resources including downloading and automatically installing system resources on the computing system based, at least in part, on the assessed computing system resources that meets the recitation of modifying computing system resources to include available and authorized resources based at least in part of the assessment (see column 4, lines 17-28 and column 27, lines 24-26 and column 27, line 65-col. 28, line 3).

As per claim 25, **Cheng et al** discloses the limitation of wherein the computing system is a communications device (see column 6, lines 20-30).

As per claim 26, **Cheng et al** discloses wherein the identifier is received from a communications device remote from the computing system (column 7, lines 10-40; column 5,

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lines 18-21; and column 23, lines 41-49 and figure 1); and wherein the configuration agent automatically modifies computing system resources and communications device resources based at least in part on assessment of system resources of the computing system and communications device resources (see column 15, lines 16-24 and column 4, lines 12-23 and column 27, lines 24-26).

As per claim 27, **Cheng et al** discloses a computing system comprising a storage device having stored thereon a plurality of executable instructions (see figure 1); a network interface communicatively coupling to the computing system to a network (see column 6, lines 10-20 and figure 1) and processor for executing client application that meets the recitation of a controller coupled to the storage device and the network interface to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system (see column 13, lines 29-40) and to implement a basic input/output system to issue a configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with computing system (see column 5, lines 18-32 and column 7, lines 5-40), wherein the configuration request is configured to cause a recipient of the request (service provider) to (see column 5, lines 18-32) obtain based on the received user e-mail address, information about the software update, record from the update table, and specification of conditions a client must satisfy that specifies authorized resources (new software updates and new software products) corresponding to the user e-mail address (see column 19, line 61 through column 20, line 5 and column 20, lines 19-28) that meets the recitation of reference the identifier to access

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corresponding data specifying authorized resources associated by the identifier with the computing system (see also column 5, lines 18-32 and column 16, lines 48-67); compare the assessment to the authorized resources, to determine one or more of the authorized resources missing from the computer system (see column 5, lines 24-30; column 20, lines 19-29; and column 27, lines 7-23); and provide the missing authorized resources to the computing system (see column 4, lines 17-28; column 19, lines 61-64 and column 27, lines 24-26).

As per claims 28 and 31, **Cheng et al** discloses the limitation of wherein the computing system is an unconfigured computing system and wherein the computing system is a communications device (see column 4, lines 12-28).

As per claims 29-30, **Cheng et al** discloses the limitation of wherein the controller receives one or more commands to receive and install computing system resources from network devices remote from the computing system via the network interface in response to the configuration request (see column 8, lines 37-67 and column 14, lines 38-64); wherein the identifier is associated with the computing system and/or computing system user (see column 7, lines 5-40).

As per claim 32, **Cheng et al** discloses a method comprising issue a configuration request from a computing system wherein the configuration request includes an identifier associated with computing system and/or computing system user and is configured to cause a recipient of the request to (see column 5, lines 18-32 and column 7, lines 5-40) generate an assessment of the

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current resources of the computing system (see column 27, lines 7-11 and column 5, lines 18-32); obtain based on the received user e-mail address, information about the software update, record from the update table, and specification of conditions a client must satisfy that specifies authorized resources (new software updates and new software products) corresponding to the user e-mail address (see column 19, line 61 through column 20, line 5 and column 20, lines 19-28) that meets the recitation of reference the identifier to access corresponding data specifying authorized resources associated by the identifier with the computing system (see also column 5, lines 18-32 and figure 7 and column 16, lines 48-67); compare the assessment to the authorized resources, to determine one or more of the authorized resources missing from the computer system (see column 5, lines 24-30; column 20, lines 19-29; and column 27, lines 7-23); and receiving a response to the configuration request at the computing system, the response including the one or more computing system resources missing from the computing system, wherein the one or more computing system resources are automatically installed and configured on the computing system (see column 4, lines 17-28; column 19, lines 61-64 and column 27, lines 24-26).

As per claim 33, **Cheng et al** discloses the limitation of wherein the one or more computing system resources are automatically installed and configured in response to installation and configuration commands received from a remote computing system (see column 3, lines 25-45 and column 4, lines 7-15).

As per claims 34-35, **Cheng et al** discloses the limitation of wherein the computing system is a communications device and wherein the one or more system resources enable the communications device to communicate over an additional communications medium (see column 3, lines 25-45 and column 4, lines 7-29).

As per claim 36, **Cheng et al** discloses the limitation of wherein the configuration request is issued from a communications device remote from the computing system associated with the computing system user, the method further comprising: receiving a response to the configuration request at the communications device including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system (see column 3, lines 25-45).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

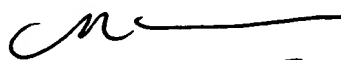


Carl Colin

Patent Examiner

March 30, 2007

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


3,31,07